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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com

Office Action Summary

Application No.

10/748,118

Applicant(s)

O'SHEA ET AL.

Examiner

RODNEY HENRY

Art Unit

3622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) 5,8,13-21,23,25,34 and 37-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,22,24,26-33,35,36,66-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a final office action on the merits. Examiner acknowledges communications dated 4/29/2010. Claims 1, 27, and 36 were amended, claims 5, 8, 13-21, 23, 25, 34, and 37-65 were canceled, and 66-73 were added. Therefore, claims 1-4, 6, 7, 9-12, 22, 24, 26-33, 35, 36, and 66-73 are currently pending and are considered below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4, 6, 7, 9, 11, 12, 27-31, 36, 66, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), and further in view of Algiene (US 20030229540).**

As per Claim 1:

Wodka et al. discloses an electronic rebate system configured for processing a manufacturer's rebate that is provided to a purchase of a product, said system comprising:

at least one electronic tag device associated with products made available for purchase, wherein each distinct product has at least one electronic tag physically connected thereto, and

wherein said electronic tag stores product-identification-information;
at least one electronic reading device configured to retrieve information from
said electronic tag ;

a first computer in communication with said electronic reading device configured
to retrieve said product-identification-information stored in the electronic tag associated
with a product being purchased by a customer at a point of sale and for which a
manufacturer's rebate applies solely as a result of purchase of the product (see
paragraphs [0017, 0021, 0035 discusses point of redemption (as in POS sale of a
product)], FIG. 5 and claims 9, and 11).

Wodka et al. does not explicitly disclose said first computer further configured to
use said product-identification-information to acquire rebate-claim-information so that
the customer may receive the manufacturer's rebate;

said first computer further configured to communicate with a second computer
and to transfer to said second computer said rebate-claim-information and wherein said
transfer occurs substantially contemporaneous with the purchase; and

wherein said second computer is configured to process and validate a rebate
claim with said rebate-claim-information, and transfer rebate-claim-status information to
said first computer, said first computer configured to communicate said rebate-claim-
status information to the customer, wherein said rebate-claim-status information is one
of real-time information or near real-time information.

However, Quinlan et. al. discloses said first computer further configured to use said product-identification-information to acquire rebate-claim-information so that the customer may receive the manufacturer's rebate;

wherein said second computer is configured to process and validate a rebate claim with said rebate-claim-information, and transfer rebate-claim-status information to said first computer, said first computer configured to communicate said rebate-claim-status information to the customer (see FIG. 3 and paragraph [0016] via validate the rebate).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate claim information, validation of rebates and rebate information transfer between computers to the system of Wodka et al. in order to effectively manage the incentive system.

Algiene further discloses said first computer further configured to communicate with a second computer and to transfer to said second computer said rebate-claim-information and wherein said transfer occurs substantially contemporaneous with the purchase; a manufacturer's rebate applies solely as a result of purchase of the product; wherein said rebate-claim-status information is one of real-time information or near real-time information (see paragraph [0014] via real- time rebate and FIGS. 3, 4, and 6A).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add computer further configured to communicate with a second computer and to transfer to said second computer said rebate-claim-information and wherein said transfer occurs substantially contemporaneous with the

purchase; a manufacturer's rebate applies solely as a result of purchase of the product; wherein said rebate-claim-status information is one of real-time information or near real-time information to the system of Wodka et al. in order to provide the customer with real-time rebates at the time of purchase vs mail-ins.

As per claims 2, 28 Wodka et al. discloses the electronic tag device is an RFID smart tag (see paragraph [0011]).

As per claims 3, 29 Wodka et al. discloses the electronic reading device is an RFID STR device (see paragraphs [0026, 0027]).

As per claim 4,
Wodka et al. does not explicitly disclose a customer interface configured with said first computer to receive and communicate said rebate-claim-status information to the customer.

However, Litwin discloses a customer interface configured with said first computer to receive and communicate said rebate-claim-status information to the customer (see FIGS. 2, 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a customer interface configured with said first computer to receive and communicate said rebate-claim-status information to the customer to the system of Wodka et al. in order to effectively manage the incentive system.

As per claim 6, Wodka et al. discloses product-identification-information comprises at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) identification code; (f) proof-of-purchase code; and (g) an electronic address (see paragraph [0028]).

As per claims 7, 33 Wodka does not explicitly disclose rebate-claim-information comprises at least one member from the group consisting of:

(a) customer name; (b) customer's financial institution tracking number; (c) customer's account number at customer's financial institution; (d) customer's mailing address; (e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number; (n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t) product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code.

However, Algienne discloses rebate claim information comprises at least one member from the group consisting of:

(a) customer name; (b) customer's financial institution tracking number; (c) customer's account number at customer's financial institution; (d) customer's mailing address; (e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number;

(n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t) product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code (see FIG. 4 via credit account).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate claim consisting of accounts to the system of Wodka et al. in order to allow for direct transfers to customers accounts.

As per claim 9, Wodka et al does not explicitly disclose a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale.

However, Algienne discloses a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale (see paragraph [0026]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said

rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale to the system of Wodka et al. in order to provide customers with a record of the rebate.

As per claims 11, 30 Wodka et al. discloses that a first computer is a retailer central computer (see FIG. 4).

As per claims 12, 31 Wodka et al. does not explicitly disclose said second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer.

However, Algiene discloses said second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer (see paragraph [0049], and FIG. 6A).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add said second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer to the system of Wodka et al. in order to effectively manage the incentive system.

As per Claim 27:

Wodka et al. discloses a method performed by a computer system having a processor for electronically making a claim for a manufacturer's rebate that is provided by a manufacturer upon purchase of a product, said method comprising:

receiving from an electronic reading device product-information stored in an electronic tag physically connected with a purchased product at a point of sale of the product, the product-information indicating product-identification-information;

acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to a customer solely for purchase of the product using at least part of said product- identification-information (see paragraphs [0017, 0021, 0029], FIG. 5 and claims 9, and 11).

Wodka et al. does not explicitly disclose initiating a data transfer of said rebate-claim-information to a second computer; and

receiving rebate-claim-status information from said second computer
after said second computer has processed and validated the rebate claim with said rebate-claim-information, wherein said rebate-claim-status information is one of real-time information or near real-time information, communicating said rebate-claim-status information at the point of sale.

However, Quinlan et al. discloses initiating a data transfer of said rebate-claim-information to a second computer; and

receiving rebate-claim-status information from said second computer
after said second computer has processed and validated the rebate claim with said rebate-claim-information (see FIG. 3 and paragraph [0016] via validate the rebate).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add a manufacturer's rebate applies solely as a result of purchase of the product to the system of Wodka et al. in order to provide the customer with discounts at the time of purchase.

Algiene further discloses rebate-claim-status information is one of real-time information or near real-time information, communicating said rebate-claim-status information at the point of sale (see paragraph [0014] via real-time rebate and FIGS. 3, 4, and 6A).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate-claim-status information is one of real-time information or near real-time information, communicating said rebate-claim-status information at the point of sale to the system of Wodka et al. in order to provide the customer with real-time rebates at the time of purchase vs mail-ins.

As per claims 36,

Wodka et al. does not explicitly disclose a rebate claim comprising generating at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale.

However Algiene discloses a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status

information wherein said receipt is given to the customer at the point of sale (see paragraph [0026] via status of rebate or printed on receipt).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale to the system of Wodka et al. in order to provide customers with a record of the rebate.

As per Claim 66:

Wodka et al. discloses a system for electronically making a claim for a manufacturer's rebate that is provided by a manufacturer upon purchase of a product, comprising:

means for receiving from an electronic reading device product-information stored in an electronic tag physically connected with a purchased product at a point of sale of the product, the product-information indicating product- identification-information (see paragraphs [0017, 0021, 0029], FIG. 5 and claims 9, and 11).

Wodka et al. does not explicitly disclose means for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to a customer solely for purchase of the product using at least part of said product-identification-information;

means for initiating a data transfer of said rebate-claim-information to a second computer;

means for receiving rebate-claim-status information from said second computer after said second computer has processed and validated said rebate claim with said

rebate-claim-information, wherein said rebate-claim-status information comprises one of real-time information or near real-time information; and

means for communicating said rebate-claim-status information at the point of sale.

However, Quinlan et al. discloses means for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to a customer solely for purchase of the product using at least part of said product-identification-information;

means for initiating a data transfer of said rebate-claim-information to a second computer (see FIG. 3 and paragraph [0016] via validate the rebate).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add means for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to a customer solely for purchase of the product using at least part of said product-identification-information; means for initiating a data transfer of said rebate-claim-information to a second computer to the system of Wodka et al. in order to provide the customer with discounts at the time of purchase.

Algiene further discloses means for receiving rebate-claim-status information from said second computer after said second computer has processed and validated said rebate claim with said rebate-claim-information, wherein said rebate-claim-status information comprises one of real-time information or near real-time information; and

means for communicating said rebate-claim-status information at the point of sale (see paragraph [0014] via real-time rebate and FIGS. 3, 4, and 6A).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate-claim-status information is one of real-time information or near real-time information, communicating said rebate-claim-status information at the point of sale to the system of Wodka et al. in order to provide the customer with real-time rebates at the time of purchase vs mail-ins.

As per Claim 67:

Wodka et al. discloses a computer-readable storage medium storing computer-executable instructions, comprising:

instructions for receiving from an electronic reading device product-information stored in an electronic tag physically connected with a purchased product at a point of sale of the product, the product-information indicating product-identification-information (see paragraphs [0017, 0021, 0029], FIG. 5 and claims 9, and 11).

Wodka et al. does not explicitly disclose instructions for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to the customer solely for purchase of the product using at least part of said product-identification-information;

instructions for initiating a data transfer of said rebate-claim-information to a second computer;

instructions for receiving rebate-claim-status information from said second computer after said second computer has processed and validated said rebate claim with said rebate-claim-information, wherein said rebate-claim- status information comprises one of real-time information or near real-time information; and

instructions for communicating said rebate-claim-status information at the point of sale.

However, Quinlan et al. discloses instructions for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to the customer solely for purchase of the product using at least part of said product-identification-information;

instructions for initiating a data transfer of said rebate-claim-information to a second computer (see FIG. 3 and paragraph [0016] via validate the rebate).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add instructions for acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to the customer solely for purchase of the product using at least part of said product-identification-information; instructions for initiating a data transfer of said rebate-claim-information to a second computer to the system of Wodka et al. in order to provide the customer with discounts at the time of purchase.

Algiene further discloses instructions for receiving rebate-claim-status information from said second computer after said second computer has processed and validated said rebate claim with said rebate-claim-information, wherein said rebate-claim-status information comprises one of real-time information or near real-time information; and

instructions for communicating said rebate-claim-status information at the point of sale (see paragraph [0014] via real-time rebate and FIGS. 3, 4, and 6A).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate-claim-status information is one of real-time information or near real-time information, communicating said rebate-claim-status information at the point of sale to the system of Wodka et al. in order to provide the customer with real-time rebates at the time of purchase vs mail-ins.

4. Claims 10, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Algiene (US 20030229540), and further in view of Packes, Jr. et al. (US 7,006,983).

As per claims 10, 35 Wodka et al. does not explicitly disclose rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number.

However Packes Jr, et al. discloses rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number (see col 15, lines 59-67.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add notification to the system of Wodka et al. in order to keep customers informed of rebate status.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Algiene (US 20030229540), and further in view of Nguyen (US 2003/0220839).

As per claim 22, Wodka et al. does not explicitly disclose a second remote computer is a portable customer computer in communication with at least one of said first computer and said first remote computer via a wireless communication connection.

However Nguyen discloses a second remote computer is a portable customer computer in communication with at least one of said first computer and said first remote computer via a wireless communication connection (see paragraph [0036] and FIG. 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second remote computer is a portable customer computer in communication with at least one of said first computer and said first remote computer via a wireless communication connection to the system of Wodka et al. in order to promote wireless transactions.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Algiene (US 20030229540), and further in view of McCarthy (US 5,202,826).

As per claim 24, Wodka et al. does not explicitly disclose that a first computer is further configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate.

However McCarthy discloses an electronic consumer rebate having a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate (see Column 2, lines 1-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a first computer is further configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate to the system of Wodka et al. in order to allow customers to have their cash incentives deposit to their bank accounts.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Algiene (US 20030229540), and further in view of Scroggie et al. (US 6,185,541).

As per claims 26, Wodka et al. does not explicitly disclose said first or second computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information.

However Scroggie et al. discloses said first or second computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information (See Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add said first or second computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information to the system of Wodka et al. in order to promote communication with customers electronically.

8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Algiene (US 20030229540), and further in view of Lane al. (US 7,221,258).

As per claim 32, Wodka et al. does not explicitly disclose product-identification-information comprises at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) identification code; (f) proof-of-purchase code; and (g) an electronic address; and (f) a URL link.

However Lane et al. discloses product-identification-information comprises at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) identification

code; (f) proof-of-purchase code; and (g) an electronic address; and (f) a URL link (see col 3, lines 50-60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add identification code to the system of Wodka et al. in order to promote ease of management of the product that are part of the rebate marketing campaign.

9. Claims 68, 69, 72, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Algiene (US 20030229540), and further in view of McClung III (US 20040143502).

As per claim 68:

Wodka et al. discloses a method performed by a computer system having a processor, comprising:

determining by the computer system that a consumer is interested in a product (see paragraph [0035, 0036] via item of interest to the consumer).

Wodka et al. does not explicitly disclose transmitting to a second computer an identification of the product; receiving from the second computer a first rebate for the product;

transmitting to a third computer information indicative of the product, a first price for the product wherein the first price accounts for the first rebate, and a second price wherein the second price is a price for a competitor's product; and

receiving from the third computer a second rebate for the competitor's product.

However, McClung III discloses transmitting to a second computer an identification of the product; receiving from the second computer a first rebate for the product;

transmitting to a third computer information indicative of the product, a first price for the product wherein the first price accounts for the first rebate, and a second price wherein the second price is a price for a competitor's product; and receiving from the third computer a second rebate for the competitor's product (see paragraph [0009] via price guaranteeing and rebates).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add transmitting to a second computer an identification of the product; receiving from the second computer a first rebate for the product; transmitting to a third computer information indicative of the product, a first price for the product wherein the first price accounts for the first rebate, and a second price wherein the second price is a price for a competitor's product; and receiving from the third computer a second rebate for the competitor's product to the system of Wodka et al. in order to ensure consumers get the benefit of the lowest price.

As per claim 69:

Wodka et al. does not explicitly disclose the second computer is associated with a representative of the product and the third computer is associated with a representative of the competitor.

However, McClung III discloses the second computer is associated with a representative of the product and the third computer is associated with a representative of the competitor (see paragraph [0009] via price guaranteeing and rebates).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the second computer is associated with a representative of the product and the third computer is associated with a representative of the competitor to the system of Wodka et al. in order to ensure consumers get the benefit of the lowest price.

As per claim 72:

Wodka et al. discloses the determining includes identifying the product based on an electronic tag (see paragraph [0035] and FIG. 5 via tag being read by RFID reader).

As per claim 73:

Wodka et al. discloses the electronic tag is an RFID tag (see paragraph [0035] and FIG. 5 via tag being read by RFID reader).

10. Claims 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wodka et al. (US 2003/0171984), in view of Quinlan et. al. (US 20040215514), in view of Algiene (US 20030229540), in view of McClung III (US 20040143502), and further in view of Treyz et al. (US 6587835).

As per claim 70:

Wodka et al. does not explicitly disclose transmitting to the second computer a second price and receiving from the second computer a third rebate for the product.

However, Treyz et. al. discloses transmitting to the second computer a second price and receiving from the second computer a third rebate for the product (see col 14, lines 57-67 via seller matching the lowest price of competitors (other sellers)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add transmitting to the second computer a second price and receiving from the second computer a third rebate for the product to the system of Wodka et al. in order to ensure consumers purchase a seller's product.

As per claim 71:

Wodka et al. does not explicitly disclose a sum of the first price and the third rebate is less than or equal to a sum of the second price and the second rebate.

However, Treyz et. al. discloses a sum of the first price and the third rebate is less than or equal to a sum of the second price and the second rebate (see col 14, lines 57-67 via seller matching the lowest price of competitors (other sellers)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a sum of the first price and the third rebate is less than or equal to a sum of the second price and the second rebate to the system of Wodka et al. in order to ensure consumers purchase a seller's product.

Response to Arguments

11. The applicant's arguments are moot in light of the new grounds of rejection above.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Tuesday through Friday from 7:30am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached 570-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6102.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMH

/Arthur Duran/

Primary Examiner, Art Unit 3622